IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 16781 of 2004(W)

PETITIONER:

PREMALATHA, AGED 65 YEARS,
W/O.LATE CHAKRAPANI, THOTTIPULLY HOUSE,
SREENARAYANAPURAM, PANANGAD, KADUNGALLURE,
TRICHUR DISTRICT.

BY ADV. SRI.M.G.DEVIPRASADAN

RESPONDENTS:
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1. THE MANAGING DIRECTOR, KERALA STATE FINANCIAL ENTERPRISES, CHEMBUKAVU.

2. BRANCH MANAGER, KERALA STATE FINANCIAL ENTERPRISE, SAKTHAN THAMPURAN NAGAR, TRICHUR.

3. THE DEPUTY THAHSILDAR (R.R.V), K.S.F.E. LTD., P.B.NO. 510, CHEMBUKAVU.

4. VILLAGE OFFICER, SREENARAYANAPURAM VILLAGE.

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R1 TO R3 BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.
R4 BY G.P. SRI. K.P. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF SALE NOTICE NO. SDT/TSR/2010/3-4 DATED 17.4.2004 ISSUED BY THE THIRD RESPONDENT.

EXT.P2 STRUE COPY OF REPRESENTATION DATED 11.5.2004 SENT BY PETITIONER AND OTHERS TO THE RESPONDENTS 1 AND 2 WITH COPY TO 3RD AND 4TH RESPONDENTS

RESPONDENTS' EXHIBITS: NIL.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 16781 OF 2004

Dated this the 16th day of November, 2007

JUDGMENT

This Writ Petition was filed in 2004 challenging recovery proceedings for recovery of Rupees one lakh together with interest due from the petitioner and her sons to KFC. According to the petitioner, a family temple is located in the property and if the property is sold,it will affect the interests of the devotees. In the Writ Petition it is specifically stated that petitioner is willing to clear the arrears if sufficient time is granted. This Court granted an interim stay which expired in July, 2004. It is not known whether recovery is continued. Since stay was not there, respondents were free to proceed with recovery and if recovery is not effected, respondents are s obviously not interested in the matter. In any case, since petitioner has agreed to settle the liability and if recovery is snot already made, petitioner is granted time till 25th March, 2008 to settle the liability. Revenue recovery proceedings will be kept in abeyance for payment as above. If payment is not made by then respondents can proceed with sale of

property, irrespective of whether there is a temple in the property or not. If the petitioner makes payment, there will be direction to the KFC to grant waiver of penal interest and not to recover any collection charges.

W.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge